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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
FWCC Request for Declaratory Ruling on	)	
Partial-Band Licensing of Earth Stations in the	)	IB Docket No. 00-203
Fixed-Satellite Service That Share Terrestrial	)	RM-9649
Spectrum	)	
	)	
FWCC Petition for Rule Making to Set Loading	)	
Standards For Earth Stations In the Fixed-	)	
Satellite Service that Share Terrestrial Spectrum	)	

COMMENTS

Sprint Communications Company L.P. ("Sprint") hereby respectfully submits its comments on the Commission's *Notice of Proposed Rulemaking ("Notice")*, FCC 00-369, released October 24, 2000 in the above-captioned proceeding. Sprint's comments address the issues raised by the Fixed Wireless Communications Coalition (FWCC) petitions requesting the adoption of various conditions on Fixed Satellite Service (FSS) earth stations in bands that are shared on a co-primary basis with terrestrial Fixed Service (FS) operations.

In its *Notice*, the Commission denies FWCC's Request for a Declaratory Ruling and its parallel Petition for Rulemaking which sought to limit the amount of spectrum assigned to FSS earth stations to the spectrum for which the licensee demonstrated "actual need." Para. 7. The Commission correctly recognizes that there are "architectural and operational differences" (Para. 38) between the FS and FSS which require different treatment of these services in the Commission's rules and regulations and that its "full-band licensing policy promotes important operational objectives in the FSS." Para. 40. The Commission states that its "full-band licensing policy provides all earth station

operators the ability to conform to the constraints placed on the satellite operators and the flexibility to change channels to access available transponder capacity within a satellite network and available capacity on other satellite networks." Id. The Commission also recognizes that it would not be practical for an FSS earth station applicant to make an up-front demonstration of "actual need." Para. 41. Thus, the Commission does not find it necessary to change its policy of authorizing earth stations to use the entire frequency bands.

Although it denies FWCC's requests, the Commission takes notice of "FWCC's concerns about effective and equitable use of spectrum in bands shared by the FS and FSS" (Para. 2) and proposes amendments to its rules to address such concerns. Specifically, the Commission proposes to amend Section 25.203 of its rules so that when an FS license applicant requests the use of certain spectrum from the frequency coordinator but is denied coordination, that request may be granted if the earth station licensee cannot demonstrate that it is using, has recently used, or will be using the spectrum in question.

In order to establish procedures to implement its proposed rule, the Commission requests comments on whether it should define "use" and how FSS earth station licensees could demonstrate "use." Para. 54. One of the examples it offers of how FSS earth station licensees could demonstrate "use" is " Space Segment Assignment." Id. The Commission asks "[i]f the satellite frequency is assigned solely at the discretion of the space segment provider, would this factor be relevant in demonstrating use?" Id. The answer to the question is clearly yes. Satellite frequency in bands 3700-4200 MHz and 5925-6425 MHz is assigned by the international space segment provider at its sole discretion for provisioning international circuits with a foreign entity, and this is a

relevant factor for determining use. FWCC itself identified the assignment of "satellite or frequency...wholly at the discretion of the space segment provider" as a circumstance under which an earth station applicant might be able to demonstrate need. Para. 33, fn. 55. Because the international space segment provider may assign a frequency anywhere in the full 3700-4200 MHz and 5925-6425 MHz bands and the FSS earth station licensee must use the spectrum assigned in order to have a complete circuit with a foreign carrier, it must be able to use any frequency in these two full bands.

When INTELSAT receives an order for a circuit jointly from a U.S. carrier and a foreign carrier for service between the United States and a foreign country, capacity is assigned by INTELSAT as it becomes available. The carriers in both countries on both ends of the circuit must be able to accept the circuit assigned by INTELSAT. These carriers do not know until the actual assignment is made by INTELSAT which one of the possible frequencies in the full band will be assigned to them. Failure to accept the assignment would result in the carriers losing the capacity and being placed back on the waiting list for circuits. Thus, the worldwide assignment of circuits within the specified bands, which is performed by INTELSAT, requires the availability of full band licenses.

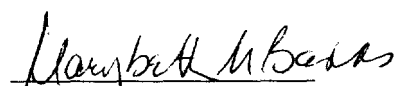
Another example of a change made by the space segment provider that is beyond the control of the FSS earth station licensee is the introduction of new satellites which are configured differently from the ones they are replacing. Changes in the configuration, which space segment providers may introduce, may require transponder and frequency changes on the part of the earth station licensee or may result in the FSS licensee considering changing satellites.

Sprint has made substantial investments in its international earth stations because it does not know what frequency will be assigned to it. It must therefore equip its earth

stations with the flexibility to move to any frequency within the band whenever the international space segment provider assigns a new frequency.

FSS international earth station licensees must have the ability to access all azimuths and elevations across the geostationary orbital arc. Anything less than full band licensing would render U.S. services less competitive in the worldwide telecommunications market. Clearly, "use" cannot be restricted to a portion of the full-band because giving up any portion of the full-band would seriously jeopardize a FSS international earth station licensee's ability to accept an assignment from the international space segment provider. Thus, Sprint urges the Commission to include in Section 25.203 the following statement: "With international earth stations for which the satellite frequency is assigned by the international space segment provider at its discretion, the full 3700-4200 MHz and 5925-6425 MHz bands licensed to the earth station will be considered in use for the purposes of the coordination."

Respectfully submitted,



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January 8, 2001

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Comments of Sprint Communications Company L.P. in IB Docket No. 00-203 was sent by Hand Delivery on this 8th day of January, 2001 to the following parties.

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